

## **REMARKS**

### **I. Specification**

The Examiner argued that the title of the invention is not descriptive. The Examiner asserted that a new title is required that is clearly indicative of the invention to which the claims are directed. The Applicants respectfully disagree with this assessment. The title of Applicants' invention is "Providing Multiple Perspectives for a Venue Activity through an Electronic Hand Held Device". Applicants' claims are directed toward the use of hand held devices and venues, venues-based data, and venue-based data sources. Applicants' amended claim 1, for example, is directed toward a method for receiving data at a hand held device, said method comprising the steps of: receiving at a hand held device, data transmitted from at least one venue-based data source of a venue; processing said data for display on a display screen associated with said hand held device; and displaying processed data on said display screen, thereby enabling a user of said hand held device to view said the data through said hand held device (e.g., a PDA, cellular telephone, etc). Applicants' specification teaches that data transmitted from the venue-based data source (e.g., a plurality of video cameras) can include multiple perspectives of a venue activity.

Additionally, Applicants' claim 17 is directed toward method for receiving "at least one perspective" of a venue-based activity at a hand held device. The term "at least one" also means "one or more", which can include "multiple perspectives". Thus, the Applicants believe that Applicants' title is clearly indicative of the invention to which the claims are directed, because the claims are directed toward

providing multiple perspectives for a venue activity through an electronic hand held device. The Applicants therefore request that the Examiner withdraw the objection to the title.

## **II. Claim Rejections Under 35 U.S.C. §102(e)**

The Examiner rejected claims 1-14, 16-30, and 32-35 under 35 U.S.C. §102(e) as being anticipated by Strandwitz et al, "Strandwitz", (U.S. Patent No. 6,522,352).

Regarding claims 1, 16-19, the Examiner argued that Strandwitz discloses a method for receiving data at a hand held device (citing 715 and 720 of Strandwitz), comprising receiving at a hand held device data transmitted from at least one venue based data source (citing 700 and 701, buildings and column 10, lines 5-34, and figures 6 and 7 of Strandwitz), processing the data for display on a display screen associated with the hand held device (citing column 8, lines 9-13 of Strandwitz) and displaying (citing display at terminal of 720 and 715 of figure 7 of Strandwitz), processed data on the display screen, thereby enabling the hand held device to view venue based data through the hand held device (citing column 10, lines 5-34 and figures 6-7 of Strandwitz).

The Applicants respectfully disagree with this assessment. The Examiner cited reference numerals 715 and 720 of Strandwitz arguing that these reference numerals refer to a "hand held device" as the term is utilized by Applicants' invention, including Applicants' claims and specification. Reference numerals 715 and 720 of Strandwitz do not refer to hand held devices but instead refer to "security monitoring stations". Such devices are not "hand held devices" as taught by Applicant's invention. Applicants remind the Examiner that a patent drafter

and/or patent Applicant can in fact be his or her own "lexicographer" as long as the newly defined or utilized term thereof is defined and/or explained within the specification itself. Thus, Applicants utilize the term "hand held device" or "hand held devices" to refer to particular types of computing devices, namely "hand held" devices such as personal digital assistants (PDAs), cellular telephones and the like.

At page 23 of Applicants' specification, Applicants provide examples of the types of hand held devices that can be implemented in accordance with the invention claimed by the Applicant. The Applicants state the following at page 23 of the specification:

*Examples of hand held devices that can be utilized...include the "PalmPilot" PDA, manufactured and sold by Palm Computing, the Handspring Visor, the IBM Workpad or other Window CE compatible devices, RIM Blackberry-family paging devices, Motorola paging devices, and the Symbol SPT-family of PDA-type organizer devices. Customized, venue-specific devices (i.e., proprietary, limited use) may be also developed that incorporate hardware and software modules necessary to practice the methods and systems taught herein.*

*Those skilled in the art can appreciate that although hand held device 11 is generally illustrated in FIG. 1, hand held device 11 can be implemented as a wireless application protocol (WAP) web-enabled cellular hand held device, such as a PDA, wireless telephone, or pager or a combination thereof. Hand held device 11 can be configured with features of combination cellular telephone/PDA devices. One example of such a device is the Handspring™ palmtop and associated cellular phone attachment, which is manufactured and sold by Handspring Inc. Other such devices include the Palm-Motorola phone, which permits users to access e-mail and store calendars and contact databases.*

The security monitoring stations 715 and 720 of Strandwitz do not teach, disclose or suggest the type of hand held devices taught by Applicants' claims 1-35. The Examiner has not cited any portion of Strandwitz, which teaches, discloses, or suggests that securing monitoring stations 715 and 720 are "PDA" (e.g., Palm Pilot) and/or cell-phone type devices, and so forth, as elaborated by Applicants' specification. In fact, a close look at Figure 7 of Strandwitz reveals that security

monitoring station 720 is configured not as a hand held device such as a PDA/cell phone, but instead as a work station, which incorporates a phone.

Similarly, a close examination of Figure 7 of Strandwitz reveals that security monitoring station 715 is also not a hand held device as taught by Applicants' invention. Security monitoring station 715 in fact does not appear to be a hand held device at all, but rather a rather cumbersome and larger device that is clearly not a PDA (Personal Digital Assistant) device such as a "Palm Pilot" and/or a cellular telephone. A hand held device such as a PDA/cell phone is a convenient compact device that can be, for example, easily carried by an individual in for example, a coat or pants pocket, from one place to another. Applicants describe, beginning at page 3 of Applicants specification, a general overview of hand held devices as follows:

*...This shift in focus has resulted in the development and increasingly widespread use of a digital device generically referred to as a "personal digital assistant" (PDA).*

*These devices are hand held computing devices (i.e., hereinafter referred to as "hand held devices" or "handheld devices") that are becoming increasingly popular for storing and maintaining information. Although PDAs may be connected to a desktop personal computer or other PDAs via infrared, direct wire, or wireless communication links, PDAs and similar hand held devices, can be linked to remote networks, such as the internet, or local wireless resources, through available wireless communications techniques.*

*The most advanced data- and video-enabled wireless communication devices currently available in the marketplace take the form of a PDA (such as the Palm OS, Handspring OS, and Windows CE compatible hand held computers). Unlike personal computers, which are general-purpose devices geared toward refining and processing information, PDAs are designed to capture, store and display information originating from various sources. Additionally, while a certain level of skill is required to use a personal computer effectively, PDAs are designed with the novice and non-computer user in mind.*

It is therefore clear from the foregoing sections of Applicants' specification and Applicant's specification in general, that security monitoring stations 715 and 720 do not teach, suggest or disclose the type of hand held devices taught by Applicants' claims 1-35. The Examiner has failed to properly explain how and why

security monitoring stations 715 and 720 disclose hand held devices such as PDAs, cellular telephones, combinations thereof, and the like. Because Strandwitz does not teach, disclose or suggest "hand held devices" as taught by Applicants' claims 1-35 and specification thereof, the rejection is traversed. Applicants respectfully request that the rejection to claims 1-35 should be withdrawn and the rejected claims be reconsidered and allowed.

The Examiner also citing 700 and 701, buildings and column 10, lines 5-34, and figures 6 and 7 of Strandwitz, arguing that such features disclose "at least one venue based data source". The Applicants respectfully disagree with this assessment. Figure 7 and column 10, lines 5-37 teach a "campus security system" and groups 700 and 701, but do not teach a "venue" and therefore also do not teach a "venue based data source". Strandwitz specifically refers to a "campus security system" at col. 10, lines 22-27, but does not all teach, disclose or suggest a "venue" as that term is defined and taught by Applicants' invention.

Again, the Applicants remind the Examiner that a patent drafter and/or patent Applicant can be his or her own lexicographer, as long as the term thereof is defined or explained clearly at some point within the specification. Applicants therefore introduce the concept of a "venue" beginning at page 1, line 31 of Applicants' specification as follows:

*modern stadiums and live entertainment facilities or arenas (herein also collectively referred to as "venues"), which feature sporting events and concerts...*

Thus, a "venue" is an entertainment facility, stadium or an arena. Examples of venues, which are covered by the claims taught by Applicants' invention, include facilities such as football, baseball, soccer stadiums, boxing arenas, wrestling arenas, and the like. Applicants' claims are directed toward venues. Additional

examples of venues include golf courses, concert arenas, and other similar stadiums or sports and entertainment complexes. The term "venue" as utilized by Applicants' invention, however, does not refer to a building requiring monitoring for security purposes. The campus security system and groups 700 and 701 of Strandwitz clearly do not teach, suggest or disclose these types of venues and clearly applies to a field of use that differs from Applicants' intended field of use for their invention, which is directly related to entertainment. Applicants specification, on the other hand, actually provides examples of venues, including, for example, a football stadium (i.e., see Applicants' illustrated figures). Thus, the Examiner is incorrect in asserting that 700 and 701, buildings, and column 10, lines 5-34, and figures 6 and 7 of Strandwitz "at least one venue based data source" because Strandwitz simply does not teach, disclose or suggest a "venue" as taught by Applicants' invention.

The Examiner also cited column 8, lines 9-13 of Strandwitz, arguing that such language discloses the step of processing the data for display on a display screen associated with said hand held device. Column 8, lines 9-13 of Strandwitz refers to the transmission of real-time video which must be isochronous to prevent buffer over flow or underflow in the receiving end. Column 8, lines 9-13 of Strandwitz does not teach, suggest or disclose a "venue," and hence, "venue-based data source" and the like. Additionally, column 8, lines 9-13 of Strandwitz does not teach, disclose or suggest a "hand held device" of the type taught by Applicants' invention. Column 8, lines 9-13 of Strandwitz does not disclose, teach or suggest either "hand held devices" or "venues" as taught by Applicant's invention.

The Examiner additionally cited the display at terminal of 720 and 715 of figure 7 of Strandwitz arguing that this language discloses displaying processed data on the display screen of the hand held device. As indicated above, neither 720 nor 715 refer to hand held devices as that term is taught by Applicants' invention.

Thus, the display of 720 and 715 is not a display of a hand held device as taught by Applicants' invention. In fact, it is quite clear that reference numerals 715 and 720 do not show hand held devices. Reference numeral 715 refers to a device that is bulky and cumbersome and could not, for example, be placed into a person's pocket or briefcase. A similar argument applies to the bulky and cumbersome device of reference numeral 715.

Reference numerals 720 and 715 of Strandwitz teaches and discloses NOT "hand held devices" as taught by Applicants' invention, but instead refer to bulky security monitoring stations, which are obviously NOT hand held devices such as PDAs, Palm Pilot devices, cell phones and so forth. Therefore, because "hand held devices" of the type taught by Applicants' invention are not taught, discloses or suggested by reference numerals 720 and 715 of Strandwitz, the Examiner is incorrect in suggesting that of 720 and 715 of figure 7 in Strandwitz teaches displaying of processed data on a display screen of a hand held device.

It is clear from Figure 7 of Strandwitz and the specification thereof that devices 720 and 715 are NOT hand held devices as taught by Applicants' invention, but are merely security monitoring devices which are utilized NOT in the context of a venue as taught by Applicants' invention, but for monitoring buildings (not venues). As indicated at blocks 700 and 701 of Figures 7, the cameras utilized therein are adapted for monitoring a building lobby and a building rear-loading dock. Such cameras are not adapted for monitoring "venue-based" data (e.g., a live sporting event or live concert taking place within the venue itself).

The Examiner is incorrect in arguing that column 10, lines 5-34 and figures 6-7 of Strandwitz discloses enabling a user of said hand held device to view data transmitted from a venue-based data source through the hand held device. Column

10, lines 5-34 and figures 6-7 of Strandwitz does not teach, suggest or disclose "venue-based data source" because such language, including Strandwitz as a whole, does not teach, suggest or disclose a "venue" as taught by Applicants' invention. Therefore, because Strandwitz does not teach, suggest or disclose such a venue, Strandwitz also cannot be said to disclose either a venue based data source or a venue as taught by Applicants' invention. Additionally, as indicated above, Strandwitz does not teach, disclose or suggest hand held devices as taught by Applicants' invention.

The Applicants remind the Examiner that in order to succeed in setting forth a rejection to a claim under 35 U.S.C. §102(e), based on a particular reference, the cited reference MUST disclose ALL of the features taught by the rejected claim. As indicated above, ALL of the features of Applicants' claims 1 and 16-19 are not taught by Strandwitz. Strandwitz does not teach, disclose or suggest the type of hand held devices taught by Applicants' invention. Strandwitz additionally does not teach, disclose or suggest a venue or venues as taught by Applicants' invention. The Applicants submit that the arguments presented above apply equally to the rejection to claims 1, and 16-19. Based on the foregoing arguments, the Applicants believe that the rejection to claims 1, 16-19 has been traversed. Applicants therefore request that aforementioned rejection under 35 U.S.C. §102(e) be withdrawn and claims 1, 16-19 be reconsidered and allowed.

Regarding claims 2, 20, the Examiner argued that Strandwitz discloses the data source (citing 700, 701 of Strandwitz) comprising at least one video camera (citing figure 1 of Strandwitz). The Applicants respectfully disagree with this assessment. Reference numerals 700, 701 of Strandwitz are not venues as taught by Applicants' invention. Recall that Applicants' specification and claims together teach that venues are modern stadiums and live entertainment facilities or arenas



wherein feature sporting events, concerts and other live events take place. Groups 700 and 701 of Strandwitz do not teach, suggest or disclose such venues but instead respectively refer to a "building loading dock" and "building lobby".

It is clear that the configuration of Figure 7 does not teach or suggest the monitoring of a live entertainment event such as a sporting event or a live stadium-based concert utilizing compact hand held devices such as PDA/cell phones, etc., but instead teaches monitoring a building (not a venue) for security purposes utilizing devices where are clearly NOT hand held devices as taught by Applicants' invention. In fact, column 10, lines 22-26 teaches that Figure 7 IS utilized for a "campus security system", but does not disclose a venue such as a sports stadium, arena or concert stadium. Additionally, Figure 1, of Strandwitz does not teach either hand held devices or venues as taught by Applicants' invention. Hand held devices (e.g., PDA's, cellular telephones and the like) and venues (e.g., sports stadiums, arenas, and the like) are taught by Applicants' claims 2 and 20, which teach that at least one (i.e., one or more) venue-based data source comprises at least one (i.e. one or more) video camera.

Figure 1 of Strandwitz merely depicts only a single camera (NOT one OR more), and also does not disclose a venue-based data source, because Strandwitz does not teach, suggest or disclose "venues" as taught by Applicants' invention. Additionally, Applicants' note that neither Figure 1 nor Figure 7 teach disclose or show hand held devices (e.g., PDA devices/cellular telephones, etc) as taught by Applicants' invention, but instead shows merely a WMD monitor. Neither Figure 7 nor Figure 1 nor the specification of Strandwitz teach, disclose or suggest hand held devices, such as a PDA, wireless telephone, pager, or combinations thereof. Applicants' Hand held device 11, for example, can be configured with features of combination cellular telephone/PDA devices. Such hand held devices are simply not

taught by Strandwitz, but are what is taught by Applicants' claims 2 and 20, The venue-based data source (at least one camera) broadcasts data (e.g., venue video feed) to such hand held devices, which are not disclosed by Strandwitz. Based on the foregoing, the Applicants believe that the rejection to claims 2 and 20 has been traversed. Applicants therefore request that the aforementioned rejection under 35 U.S.C. §102(e) be withdrawn and claims 2 and 20 be reconsidered and allowed.

Regarding claims 3, and 21-22, the Examiner argued that Strandwitz discloses the at least one video camera adapted to provide high resolution wide angle video data (citing column 7, lines 27-36 of Strandwitz). Applicants respectfully disagree with this assessment. Applicants believe that the language of column 7, lines 27-36 of Strandwitz is irrelevant in light of the fact that claims 3 and 21-22 depend from claims which teach hand held devices and venues, which are not taught by Strandwitz at column 7, lines 27-36 or elsewhere. Additionally, Strandwitz does NOT teach, disclose or suggest providing high resolution wide angle video data to hand held devices as taught by Applicants invention (e.g., PDA, cell phones, and the like). Therefore, the Applicants believe that the rejection to claims 3 and 21-22 has been traversed. Applicants therefore request that the aforementioned rejection under 35 U.S.C. §102(e) be withdrawn and claims 3 and 21-22 be reconsidered and allowed.

Regarding claim 4, the Examiner argued that Strandwitz discloses receiving at a hand held device, data transmitted from at least one venue based data source (citing 700 and 701 of Strandwitz), comprising receiving through at least one wireless receiver at the hand held device (citing 715 and 720 of Strandwitz), data transmitted from the at least one venue based data source (citing figures 6 and 7 of Strandwitz). The Applicants respectfully disagree with this assessment. Figures 6 and 7 of Strandwitz do not teach a venue based data source and venues thereof as

taught by Applicants' invention. Additionally securing monitoring stations 715 and 720 of Strandwitz do not teach, suggest or disclose hand held devices as taught by Applicants' invention. Additionally, 700 and 701 of Strandwitz are not venues as taught by Applicants' invention, but are instead merely buildings monitored as part of a security monitoring system. Therefore, the Applicants believe that the rejection to claim 4 has been traversed. Applicants therefore request that the aforementioned rejection under 35 U.S.C. §102(e) be withdrawn and claim 5 be reconsidered and allowed.

Regarding claim 5, the Examiner argued that Strandwitz discloses broadcasting the data to the hand held device through wireless communications (citing figures 6-7 of Strandwitz). Applicants respectfully disagree with this assessment. Applicants' claim 5 teaches broadcasting the data to the hand held device through wireless communications. As explained above, figures 6-7 of Strandwitz do not teach hand held devices as taught by Applicants' invention. For example, figures 6-7 do not disclose, suggest or teach hand held devices, such as PDAs, wireless telephones, pagers, and the like or combinations thereof. Applicants' hand held device 11, for example, can be configured with features of cellular telephone and PDA devices. In any event, figures 6-7 of Strandwitz do not teach hand held devices which communicate through wireless communications. Therefore, the Applicants believe that the rejection to claim 5 has been traversed. Applicants therefore request that the aforementioned rejection under 35 U.S.C. §102(e) be withdrawn and claim 5 be reconsidered and allowed.

Regarding claims 6-7, 23-24, the Examiner argued that Strandwitz discloses transmitting the data from the at least one venue based data source to the hand held device through a wireless network (citing figure 7 of Strandwitz). Applicants respectfully disagree with this assessment. Applicants' claims 6-7, 23-24 teach the

use of hand held devices not taught, suggested or disclosed by Strandwitz. As explained above, figure 7 of Strandwitz does not teach hand held devices as taught by Applicants' patent application. For example, figure 7 of Strandwitz does not disclose, suggest or teach hand held devices, such as PDAs, wireless telephones, pagers, and the like or combinations thereof. Applicants' Applicants' hand held device 11, for example, can be configured with features of combination cellular telephone/PDA devices. In any event, figure 7 of Strandwitz does not teach hand held devices which communicate through wireless communications. Applicants' claims 6-7, 23-24 also teach "venue-based" data source. A "venue" as taught by Applicants' invention is not taught, disclosed or suggested by Strandwitz's figure 7 (i.e., 700 and 701 are NOT venues). Therefore, because such features are not taught by Strandwitz, the Applicants believe that the rejection to claims 6-7, 23-24 has been traversed. Applicants therefore request that the aforementioned rejection under 35 U.S.C. §102(e) be withdrawn and that claims 6-7, 23-24 be reconsidered and allowed.

Regarding claims 8-9, and 25, the Examiner argued that Strandwitz discloses displaying processed data on the display screen (citing 715 and 720 of Strandwitz), further comprising displaying processed data on the display screen, in response to user input through a user interface associated with the hand held device (citing figure 7 of Strandwitz). The Applicants respectfully disagree with this assessment. A user interface is not taught by Strandwitz at figure 7. Additionally, the Examiner has not cited any portion of Strandwitz, which suggests, discloses or teaches the use of a user interface in association with a hand held device. Additionally, figure 7 and Strandwitz do not teach, disclose or suggest the use of hand held devices as taught by Applicants' invention. For example, figure 7 of Strandwitz does not disclose, suggest or teach hand held devices, such as PDAs, wireless telephones, pagers, and the like or combinations thereof. Therefore, because such features are

not taught by Strandwitz, the Applicants believe that the rejection to claims 8-9 and 25 has been traversed. Applicants therefore request that the aforementioned rejection under 35 U.S.C. §102(e) be withdrawn and claims 8-9, and 25 be reconsidered and allowed.

Regarding claims 10-11, 26-28, the Examiner argued that Strandwitz discloses displaying a particular perspective of the venue based activity on the display screen, in response to a user selection of the particular perspective of the venue activity and image processing module (citing figure 7 of Strandwitz). Applicants respectfully disagree with this assessment. Figure 7 does not refer to either "user selection" and/or "particular perspectives" of the venue activity. As explained above, Strandwitz (including figure 7 thereof) also does not teach, disclose or suggest venues and/or hand held devices. Therefore, because such features are not taught by Strandwitz, the Applicants believe that the rejection to claims 10-11, 26-28 has been traversed. Applicants therefore request that the aforementioned rejection under 35 U.S.C. §102(e) be withdrawn and that claims 10-11, 26-28 be reconsidered and allowed.

Regarding claims 12-14, and 29-30, the Examiner argued that Strandwitz discloses the venue based data comprising real time video data and instant replay video data (citing column 7, lines 51-67 of Strandwitz). Applicants respectfully disagree with this assessment. Claims 12-14 and 29-30 teach "venue based data" (and hence "venues") and also real time video data and instant replay video data displayed through hand held devices (which are NOT taught, disclosed or suggested by Strandwitz). Column 7, lines 51-67 do not disclose, teach or suggest "venues" and/or "hand held devices" as taught by Applicants' invention. Therefore, because such features are not taught by Strandwitz, the Applicants believe that the rejection to claims 12-14, and 29-30 has been traversed. Applicants therefore request that

the aforementioned rejection under 35 U.S.C. §102(e) be withdrawn and claims 12-14, and 29-30 be reconsidered and allowed.

Regarding claims 15 and 31, the Examiner argued that Strandwitz discloses advertising information. The Applicants respectfully disagree with this assessment. The Examiner has not cited any portion of Strandwitz, which teaches, suggests or discloses advertising information. In fact, in the Office Action dated December 15, 2003 (Paper No. 7), the Examiner stated with respect to the rejection to claims 15-31 under 35 U.S.C. §103(a) that "Strandwitz does not specifically disclose advertising information". Therefore, because the Examiner has admitted that Strandwitz does not disclose advertising information, the rejection to claims 15 and 31 under 35 U.S.C. §102(e) must be withdrawn. The Applicants therefore respectfully request that the rejection to claims 15 and 13 under 35 U.S.C. §102(e) be withdrawn.

Regarding claims 33-35, the Examiner asserted that Strandwitz discloses implementing the system, in place of method claim 1, arguing that claims 33-33 are rejected for the same reason as forth in the claim. Applicants respectfully disagree with this assessment.

Applicants' claim 33 teaches a system for wirelessly receiving data (e.g., venue-based data) at a hand held device, said system comprising: receiver for wirelessly receiving at a wireless hand held device data transmitted from at least one venue-based data source; processor for processing said data for display at said hand held device; and display screen for displaying processed data, wherein said display screen is associated with said hand held device, thereby enabling a user of said hand held device to view the data (e.g., live venue activities such as live sporting events) through a wireless hand held device.

Applicants claim 34 teaches a system for receiving at least one perspective of a venue-based activity at a hand held device, said system comprising: at least one receiver for receiving at a hand held device at least one perspective of a venue-based activity transmitted from at least one venue-based data source; processor for processing said at least one perspective for display on a display screen associated with said hand held device; and display screen for displaying said at least one perspective, thereby enabling a user of said hand held device to view perspectives of venue-based activity through said hand held device.

Claim 35 teaches a system for displaying a particular perspective of a venue-based activity at a hand held device, said method comprising the steps of: at least one receiver for receiving at a hand held device a plurality of perspectives of a venue-based activity transmitted from at least one venue-based data source; processor for processing said plurality of perspectives for display on a display screen associated with said hand held device; and display screen for displaying a particular perspective on said display screen, in response to a user selection of said particular perspective from among said plurality of perspectives, thereby enabling a user of said hand held device to view particular data (e.g., perspectives of a venue-based activity such as a live sporting event taking place at the venue) through the hand held device.

Applicants' also note that Strandwitz is not directed toward a system for providing a plurality of views of a venue-activity (e.g., a sporting or concert event) through electronic hand held devices such as PDA's, cellular telephones, and the like, but instead teaches a self-contained wireless camera device (i.e., see Strandwitz at column 14, line 15 to column 16, lines 67). Applicants' invention do not teach a self-contained wireless camera device, but instead teach methods and

systems for providing multiple perspectives for a venue activity through an electronic hand held device (e.g., PDAs, cellular telephones and the like).

As explained above, "hand held devices" and "venues" (including venue based-data and venue-based data sources) as taught by Applicants invention are not disclosed, taught or suggested by Strandwitz. Therefore, because such features are not disclosed, taught or suggested by Strandwitz and are taught by Applicants' claims 33-35, the aforementioned rejection to claims 33-35 by the Examiner should be withdrawn because in order to set forth a rejection under 35 U.S.C. §102(e), the cited reference (i.e., Strandwitz) must disclose ALL of the features of the rejected claims. ALL of the features of claims 33-35 are not disclosed, suggested or taught by Strandwitz. Applicants therefore request that the rejection to claims 33-35 under 35 U.S.C. §102(e) be withdrawn and claims 33-35 be reconsidered and allowed.

### **III. Claim Rejections Under 35 U.S.C. §103(a)**

The Examiner rejected claims 15-31 under 35 U.S.C. §103(a) as being unpatentable over Strandwitz in view of Lee et al, "Lee" (U.S. Patent No. 6,535,493). Regarding claims 15 and 31, the Examiner admitted that Strandwitz does not disclose advertising information. The Examiner argued, however, that Lee discloses advertising information. In support of this argument, the Examiner cited column 8, lines 21-30 of Lee. The Examiner argued that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Strandwitz and Lee in receiving advertising information in order to inform the user about the advertising items for taking an advantage of the low price sale items. The Applicants respectfully disagree with this assessment.



Applicants assert that the arguments set forth above with respect to the rejection to claims 1-14, 16-30, and 32-35 under 35 U.S.C. §102(e) as being anticipated by Strandwitz, apply equally to the rejection to claims 15-31 under 35 U.S.C. §103(a). As indicated above, Strandwitz does not disclose, teach or suggest "hand held devices" and "venues" as taught by Applicants' invention. Additionally, Strandwitz does not teach "venue-based data sources". Lee, similarly, does not teach venues and/or hand held devices as taught by Applicants' invention. For example, the Examiner cited column 8, lines 21-30 of Lee. Neither hand held devices nor venues are taught or suggested by column 8, lines 21-30 of Lee. Additionally, Applicants note that Strandwitz teaches security monitoring systems (i.e., see Figure 7 of Strandwitz) for monitoring buildings but does not teach, suggest or disclose venues such as, for example, sports stadiums and concert arenas.

It is usually desirable to monitor buildings, particularly when such buildings are unoccupied, closed or have a reduced staff (e.g., during evenings and/or weekends). Why would one skilled in the art have been motivated to send advertising information to buildings that are essentially unoccupied? Who would be the "target audience" of such advertising information? A few security guards monitoring security monitoring stations would be an unlikely audience. In other words, it would be improper to combine the Lee reference with the Strandwitz reference to teach advertising information, because very few individuals, except perhaps a few security guards viewing security monitoring stations 715 and 720 of figure 7 of Strandwitz would have access to such advertising information. Thus, it is improper to combine Strandwitz with Lee as the Examiner suggests, because the resulting benefit (i.e., advertising) would be negligible and, therefore, the Strandwitz would likely be avoided by those skilled in the security or advertising arts.

The Applicant notes that the Examiner has not provided a motivation for combining Strandwitz with Lee to teach all of the features taught by Applicants' claims. The Applicants remind the Examiner that the references may not be taken out of context and combined without motivation, in effect producing the words of the claims (and sometimes, not even the words or concepts of the claims), without their meaning or context. The resultant combination would not yield the invention as claimed. The claims are rejected under 35 U.S.C. 103 and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield the invention as claimed.

The rejection under 35 U.S.C. 103 has provided no more motivation than simply to point out the individual words of the Applicants' claims among the references, but without the reason and result as provided in the Applicants' claims and specification, and without reason as to why and how the references could provide the Applicants' invention as claimed. Furthermore, hindsight cannot be the basis for motivation, which is not sufficient to meet the burden of sustaining a 35 U.S.C. 103 rejection.

Thus, claims 15-31 of the present invention are not taught or suggested by Strandwitz and/or Lee, alone or in combination with one another. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Strandwitz and/or Lee. Therefore, Applicants respectfully requested Withdrawal of the §103 rejections also request reconsideration and allowance of claims 15-31.

#### **IV. Prior Art Made of Record**

The Examiner cited Mileski et al, "Mileski" (U.S. Patent No. 6,525,762), asserting that Mileski discloses a wireless underwater video system for obtaining live video/audio data to profile a designated area of an ocean bottom, including a video camera enclosed in a water tight housing which produces video and audio signals which are transmitted to a transmitting unit (citing abstract and Figure 1 of Mileski). Applicants note that Mileski does not teach, disclose or suggest "hand held devices" and/or "venues" as taught by Applicants' invention. Mileski also does not teach venue-based data sources.

The Examiner also cited Hull et al, "Hull" (U.S. Patent No. 5,806,005), arguing that Hull discloses a remote station 12 coupled to a server 14, via a cellular telephone system 16, including a digital camera made up of a capture device 20 and an image memory 24 (citing column 1, lines 66-column 2, lines 19). Applicants note that Hull does not teach, disclose or suggest "hand held devices" and/or "venues" as taught by Applicants' invention. Hull also does not teach venue-based data sources.

#### **V. Conclusion**

In view of the foregoing discussion, the Applicants have responded to each and every rejection of the Official Action. The Applicants have clarified the structural distinctions of the present invention. Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §102 and 35 U.S.C. §103 based on the preceding remarks. Reconsideration and allowance of Applicants' application is also respectfully solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kermit Lopez". The signature is written in black ink and is positioned above a horizontal line.

Dated: December 29, 2003

Kermit Lopez  
Attorney for Applicants  
Registration No. 41,953  
ORTIZ & LOPEZ, PLLC  
P.O. Box 4484  
Albuquerque, NM 87196-4484